



**DEFENSE LOGISTICS AGENCY
HEADQUARTERS
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FORT BELVOIR, VIRGINIA 22060-6221**

IN REPLY
REFER TO

J-3311

April 2, 2004

**MEMORANDUM FOR DIRECTOR, DEFENSE ACQUISITION REGULATIONS COUNCIL,
OUSD (AT&L)**

**SUBJECT: Defense Federal Acquisition Regulation Supplement (DFARS) Proposed Rule – 2003-D087,
Contractors Accompanying a Force Deployed**

The Defense Logistics Agency submits the following comments in response to the subject proposed rule published in the Federal Register on March 23, 2004:

a. 225.70XX(k), Evacuation of Bodies: The section indicates the contractor is responsible for the evacuation of the body from the point of identification to the location specified by the employee/next of kin. This wording does not appear consistent with DODD 1300.22, Mortuary Affairs Policy. That Directive "issues policy and assigns responsibility for mortuary affairs within the Department of Defense." Specifically, section 4.9 states, "The remains of contractor personnel who are fatalities resulting from an incident in support of military operations deserve the same dignity and respect afforded military remains and shall be rendered in accordance with references (c) and (e)." Section 4.6 states that, "The recovery, evacuation, preliminary identification, and further disposition of remains and personal effects under the jurisdiction of the Military Services are command responsibilities." Additionally, section 4.7 states, "The preservation of remains will be given the highest priority." Therefore, it appears that the Government has a further responsibility to those deceased individuals that should not necessarily be displaced onto a contractor. Recommend that this area be re-examined for consistency with applicable existing requirements.

b. 225.70XX(p), Changes: This section anticipates direction beyond that authorized by the "Changes" clause in the contract, to include requiring what the contractor may consider out-of-scope changes. Because this change will be directed by other than the Contracting Officer, we recommend adding language that requires contractor use of Change Order Accounting (COA) in accordance with 52.243-6 if the contractor anticipates the change exceeding \$100,000. Inclusion of 52.243-6 in solicitations/contracts is not mandatory, and opportunity for the Contracting Officer to implement COA when the change order is issued will not be present. Therefore, it would be prudent to proactively address this area to maximize accounting visibility and minimize dispute potential under any resultant request for equitable adjustment (REA).

The action officer for this matter, Mr. Frank Pane, is available to provide any additional assistance that may be required at (703) 767-1461.

**NANCY M. HEIMBAUGH
Chief, Acquisition Policy Branch
Acquisition Division
Acquisition, Technical, and Supply Directorate**

cc:
DLA DAR Council Member

